Ступсеваваль

NEBRASKA AND KANSAS. SPEECH OF HON, JOHN PETTIT, OF INDIANA.

The Senate having under consideration the bill to establish territorial governments for Nebraska and Kansas.

In the Senate, February 20.

Mr. PETTIT said: Mr. PRESIDENT: The day is a gloomy and lowering one, and it may well be supposed that my mind and my spirits partake somewhat of condition of the elements without; but, sir, as I am not a man of passions or of prejudices, but yield a willing obedience to the dictates of reason and justice, enlightened, as I believe, by a sound and unbiassed judgment; as I live not for glory, in the French acceptation of the term, nor the misguided huzzas of the populace, but am an obsequious slave to the stern mandates of duty, I shall proceed, disregarding the weather without.

Sir, it becomes me, then, to inquire what are my duties-not my prejudices or my passionsupon this subject? What are my duties towards my fellow-citizens, towards my equals, towards the States collectively, and the States and people individually?

My duty, as I conceive, is, first, towards the States collectively, and the States individually, to endeavor to preserve that harmony which the machinery of the respective governments was designed to secure to them, so that there shall be no clashing, no jarring, no warring; so that no discord may be found in their har monious circle. Towards my fellow citizens, and the citizens of the country individually, it is plainly my duty to place, as nearly as may be, all those who are constituent parts of the State or government, upon an equal political basis, with equal political rights, so as to divide with them, or share with them an equality of right in all our property, territorial or otherwise, and in all the protection, and all the advantages of the government. Upon these principles my votes have been, and shall be, governed upon this bill.

Mr. President, I have already said enough to satisfy senators, if any doubt existed before, as to how I shall vote upon the question pending before the Senate. I need not go further to satisfy the Senate what my judgment and conclusions are; but I shall beg the indulgence of the Senate to discuss the question, in its various forms, at considerable length. I shall be driven, in the course of my remarks, into a ject. To my mind, it is plain that no act can consideration and review of sentiments which have been uttered heretofore in this body. which I would gladly avoid, but that I believe duty to myself requires me to refer to them.

Mr. President, so far as the form of this bill is concerned, I need waste but little or no time upon it. Suffice it to say, that it is in the form which has been adopted since the foundation of the government, with little exception, and little variation, for the organization of our Territories. There is one provision, to be sure, and only one, as it seems to me, which meets and mourn over their deplorable condition as with any serious objection here, or will encounter any serious difficulty in the other end of the Capitol. That is the one which repeals the Missouri compromise, for I grant that it does so; or, in other words, repeals the eighth section of the act approved March 6th, 1820, authorizing the people of Missouri Territory to | Senate what has been the result, and how sighold a convention, and form a State constitution, preparatory to her admission into the

There is one provision in this bill, however, which, in order that the bill may harmonize with provisions already adopted upon that subject, it would seem to me, ought to be stricken out. It will be recollected that the people are expressly authorized to legislate upon all subject whatever, slavery included. therestablish or abolish it, at their pleasure and at their will, if the Constitution of the United it, and such is my desire that it should be. But to make the question plainer and clearer and to rid it of all difficulties, I will suggest, if I do not move, the striking out of the following provision in the sixth section:

"That all laws passed by the assembly, and approved by the governor, shall be submitted to the Congress of the United States, and if disapproved,

be null, and of none effect. My desire is to authorize the people of the jects of legislation, without let or hinderance by Pisgah's heights, and there calling his follow this government. Sir, I admit that the striking out of that provision, or a clause, saying, who were slaves, or the descendants of slaves, in the most positive terms, that Congress submits all questions to them, without an appeal to this government, will not prevent such an appeal, nor prevent our taking cognizance of it: for we cannot stultify ourselves; we cannot to the Promised Land, and then one of the throw off from ourselves that power which is necessarily, inherently, and constitutionally vested in us. Yet we can show, by striking out this clause, what our intention is; and if our intention shall govern those who follow us, we shall be in a more harmonious condition. So much for the form of the bill.

Mr. President, I proceed briefly to the con sideration of the justice and the propriety of this measure. First, as to the justice of the measure. What does it propose? It says to us all that our common country, the United States, or the people of the United States, if have a large unoccupied, or partially occupied territory, to which it is proposed to give an organic law, and to establish the prin- excitements, consequent upon the different ornorth and the south, the east and the west, the middle and the extremes alike, have an interest in this common property and common do-main. What, then, I ask you, is justice in this case? How shall justice be applied in the government and the administration of this partridge and make a dunghill fowl of it. You section or to the other exclusively? Shall you say that the north with her institutions may go shall not go there? Or will you reverse the positions, and say that the south may go theirs. shall not go there? Sir, so far as regards the States themselves, and the men, considerered as citizens of the respective States, I protest that there is no justice, no equality, in de-priving each from going there with the rights that all have; and I protest against the principle that all may not go there with the rights that any have.

But how does it apply to the citizen after he gets there? What does justice say then? Does it got say that he shall have the right to determine what his municipal institutions shall be? You authorize him to legislate upon all the rights of white men ; you say that the rights of life, liberty, and of property, the marital relation, the relation of master and servant, or of master and apprentice, if you will, are not too sacred for them to legislate upon as regards whites; but you say that the rights of the black man are too sacred to be entrusted to this neophyte or beginning order of sociality. Then, sir, as a matter of justice, I say it is their right to determine what institutions will best suit them. Cannot those who inhabit these distant regions of our vast country, far away tell what institutions will suit their atitude and longitude, their climate, soil, and productions? Or can we judge better than they? And if we can, is it right, is it fair, is it in accordance with the principles of American legislation, that we should do so? I hold that very recently acquired it from Spain by a sim-

The idea that negroes, if they are to go there are to be free and freemen, is to my my mind preposterous-I mean as to the propriety of the question. All history and all experience have own that two distinct and separate races cannot live upon the same territory, under the same government, on an equality. No princi-ple was better known to or better understood by Moses, the leader of the children of Israel, than this, which was made known to him by the thunders of Sinai, when he was commanded to put all the ancient Canaanites to death, to put them to the sword, leaving no tone, neither

gether. There is no such thing. It is idle to truth developed. How is it in our own country? When our ancestors landed at Plymouth rock and at James river, what was the condition of the country? It was overspread by vast, powerful, and numerous tribes of Indians, as different as day is from night from the population then arriving from northern Europe. Did they live, or have they continued to live, upon an equality with us? They have not: they cannot. It is utterly impossible. Diverging from the line of my argument, let me say in all kindness to the senator from Arkansas, | Mr. Jourson, who introduced a bill this morning providing for the organization of Indian Territories preparatory to their admission into the Union as States, that he will find it to be ut-

Mr. BRODHEAD. Civilization is entitled

to this continent.

Mr. PETTIT. My friend from Pennsylvania says civilization is entitled to this continent. Yes, sir, it is by a higher law than your Constitution; for I am, in one sense of the term, a higher-law man, as will be found before I get through. By a higher law than your Constitution, or your acts of Congress-by the stern decrees of the Almighty, his children first planted here are to give way to a race of men heavier physically, and heavier mentally. The wild grass amid which he lay, the woods where he built his moon fire, and where he erected his wigwam, his bow and arrow, his buffalo, his deer, and all the accompaniments of the wild man, are to pass away, and the heavier race come on with their accompaniments. Then he soil will be cultivated, stately mansions will be reared, and the cultivated, improved, and domesticated animals will be introduced. The country will be peopled by a race as widely different in all their tendencies from that which preceded them, as they could possibly have een made, even by Almighty hands.

The Indians have no future, let me say hose who have a sickly sympathy on the subsave them from that end that doom placed upon them by a higher law; it is inevitable. ou may almost see; you can easily contemplate the period when the last of these tribes shall have gone from this continent, and when no remnant of them can be found. It were vain and idle to attempt any such thing as staying a destiny that has been written by the hand of the Almighty so legibly and intelligibly that the weakest and most wayward may read it. Wonder at it as you will, pity them you may, their doom is sealed beyond the nower of human wisdom to stay or avert.

Sir, this attempt was made in Mexico recently, on this continent, to harmonize and cultivate together the existence of two separate and distint races. I need not stop to tell the nally that attempt had failed. Where is it that you see order there? Where is discipline, where is love, where is harmony, where is affection? It does not exist-cannot exist. Men who are constituted physically and mentally different cannot enjoy, on an equality, one com monwealth together. One must be the superior, and the other the inferior. The question then is one of extent, and not of kind. They may one race is inferior to the other, it is necessa rily subservient, and it is only a question of extent as to whether they shall be slaves fully States allows it. Such is my understanding of or slaves partially. They cannot live on an equality. All attempts to sult will be idle and futile. All attempts to produce such a re-

Let me remind the Senate of a little piece of history, which happened to Joshua, the suc cessor of Moses, for a violation of the injune tion and stern mandate from Heaven to Moses, that upon arriving at the promised land, he should destroy all the ancient Canaanites, without any exception whatever; Moses was never allowed to pass the Jordan himself. He got a sight of the promised land by ascending ers together, four hundred and forty thousand to the Egyptians for four hundred years, he bade them farewell, and handed over his command to Joshua, his successor.

Joshua crossed the Jordan and led the Jews Canaanitish tribes, by their head men-for they were tribes like our Indians- begged to be incorporated within their municipal body, and to form a constituent part of the government and people, professing friendship and their desire to become obedient to the

Well, sir, Joshua, the successor of Mose overcome by his kindness of heart, forgetting the mandate of the Almighty that they could not live in peace together, that it was the de struction of themselves if they did not destro the other race, made peace and terms with them. What was the result? In less than one year disturbances, difficulties, quarrels, and iples and rules of civilization there; that the ganization of the different races of men were the result; and Joshua, after having made a treaty with them, was compelled to put even the remnant of them to the sword. Such, sir. you will find is the condition of the Indian this property? Shall it be appropriated to one might as well attempt to domesticate the deer or the huffalo-a thing that has never been successfully done and make it as obedient as there, and that the south and her institutions | the ox. The accompaniments of that race of men are not those of ours, nor ours those of

Sir, this question is argued as though the passage of this bill creates slavery in these Territories. That is not true. Had the amend ment of the senator from Kentucky Dixon | prevailed, as he first offered it, that would have been the result. Let us lav aside all passion and prejudice, and appeal to our judgments and our intellects.

Mr. DIXON. Will the senator allow me merely to enter my protest against the construction he gives to that amendment? I think, if he will examine the amendment, he will find that, so far from legislating slavery into the Territories, it leaves the question precisely where it was before the act of restriction was passed. It neither legislates slavery in nor out of the Territory; but leaves it just where it was with-

out the act. Mr. PETTIT. I understand the senator, and I understand what his meaning was, as he subsequently explained it. But it is my business to deal with what law it would make had it passed, and not with the intentions of the senator. I say that if the amendment of the is not impugning his motives. I say that is the inevitable result of the passage of such a provision, and I will proceed to show the Sen- I could not, I would not any more vote for ate and to give to that senator my view of it. ilar transaction, While it was in the possession of Spain the slave-law existed all over it; the laws of Spain tolerating, encouraging, enforcing, and protecting slavery. Let me say to senators, is not much of it here. It is alleged that all the in this respect, the civil and the common men are created equal, and the Declaration of law differ, that by the common law no man can Independence is referred to, to sustain that pobe a slave but by positive enactment; and then sition. However unpopular, or however distinct it is a violation of the common law, and so far, pleasing it may be to the mass of my fellow

low; no age, no sex was to except them. And one man can control another without the ope-this was the stern decree of the Almighty himself. Upon what principle was it based? It the two systems. The civil law existed in the was upon the principle that two races distinct Louisiana territory, and therefore slavery per the two systems. The civil law existed in the in their organization, in the volume and amount of intellect, of mind, of brain, different in the of it by Spain to France, that law was not rerapidity of the coursing of the blood through moved; for I again say, that by the nequisitheir veins, cannot live and enjoy equality to tion of a territory or country by one sovereign from another, the municipal or civil laws, the think of it. Look to any point in history, an- laws which regulate the right and title to procient or modern, and you will find the same perty, the rights and duties of persons in and going into that territory are not thereby repealed, by the transfer of the sovereignty of a district or region of country from one sovereign to another. All its domestic and municipal laws remain unrepealed, and remain in full force till repealed, or abrogated, or changed by the new sovereign. In such an instance the new sovereign succeeds to all the rights and duties of the former sovereign-and among these rights is the right to repeal or abrogate the old laws and to substitute or enact new ones; but till that right is exercised the old laws remain in full force, and the citizens are entitled to demand and have the efficacy, protection, and benefit of them. This territory came to us then as slave territory. True, there were few inhabitants or settlers upon it in this portion; but nevertheless the slave-law existed France, while she had it, did not re neal it. Now, then, when it came to our pos session, or some seventeen years afterwards, in 1820, we did, pro tanto, repeal that slave-law; we abrogated it under the right which the new sovereign always has to make domestic laws. Prior to that time this law remained in force. At that time we abrogated and revoked it. In the territory here spoken of, in the Nebraska Territory north of 36° 30', and west of Missouri and Iowa, we abrogated that law. Now I come to what was the amendment

not the amendment before me; but I have read it so often that I recollect distinctly its wording. First, it repealed the eighth section of it declared further, not that it was repealed That is the language of the senator's amend-

Mr. DIXON. No, sir. Mr. PETTIT. What he intended is anothe thing. It is totally immaterial as to that. I take it now for granted that he did not intend to create slavery; yet I said to my friend from Illinois here, (Mr. Douglas,) immediately on the presentation of it, that I could not go for that measure. I go for leaving this question clear, that the people there shall determine for themselves.

Gentlemen say that the Constitution protects slavery there. Well, if it does we cannot abrogate it. It is perfectly plain that if the Constitution protects slavery there, we need have no enactment on the subject. We can neither slavery existed, as I have shown, before the Misouri compromise was passed. If you repeal organization or in their social feelings. that law, what do you do? You will have re pealed two laws. You repealed the slave law by the act of 1820, and by the law of 1854 you repeal that repealing law, but you do not re vive the old law. But the senator's amend nent says that the law shall be the same as it the Missouri compromise act was never passed. That in direct terms revives the old law.

Mr. DIXON. The senator surely is m taken in my amendment. Mr. PETTIT. I wish the senator would

Mr. DIXON. I will say what it is precisely The senator will find that, so far from saying that the law shall be the same as before, it only says that the people shall have the same right to take their slaves there as they would have had if the Missouri compromise had never been passed.

Mr. PETTIT. Exactly. Then you would have a right under it to take slaves there and protect them. I am not impugning the senaor's motives. I am only giving the language of his amendment a fair, not even a critical ex-amination. I am stating its legal effect. It is however, a question which is very easily settled by reference to the language of the amendment. I have it here, and I will read it:

eighth section of an act approved March 6, 1820. entitled An act to authorize the people of Mis-souri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the origi-nal States, and to prohibit slavery in certain Tertories,' as declares 'That in ceded by France to the United States, under the name of Louisiana, which lies north of 36° 30 north latitude, slavery and involuntary servitude otherwise than the punishment of crimes whereof the parties shall have been duly convicted, shall forever prohibited,' shall not be so construas to apply to the Territory cortemplated by this act, or to any other Territory of the United States but that the citizens of the several States or Ter ritories shall be at liberty to take and hold thei slaves within any of the Territories of the United states, or of the States to be formed therefrom s if the said act, entitled as aforesaid, and ap proved as aforesaid, had never been passed.

Now, sir, am I mistaken at all? I have hown that it reinstates the law as though the Missouri compromise had never been passed. Let me say to the senator from Kentucky, that the bill now before you does no such thing. Be not deceived in it. I say, that, in my judgment, as I shall show before I get through while you may take your slave there, and hold him, so long as you can collar him, and control him, yet you will have no law there by which you can enforce your right to him. But by your amendment, putting the law on the same footing that it was prior to the passage of the Missouri compromise, you would have re-established the slave law all over the Teritory; for it existed before, and by the law of 1820 you repealed it. That is the view I have, and I have no question about it. If I were in terrogated as a lawyer, I should be compelled to give that opinion; because the present bill leaves the Territory without any law on that subject. There is no law there for enforcing the ownership to a horse, or a cow, or any other property; nor will there be any until the

protecting the rights of property. You may say that it is a right at comme aw-an inalienable right; but naked rights power to enforce them. If your slave bids ou defiance, and tells you I am as free as you, or if your neighbor takes your horse, or beats will have, whether it shall be slave or free? It determine their domestic institutions. this I shall be content and abundantly satisfied. law that created slavery there than I would We bought this territory from France, who had vote for one that prohibited it; neither of which will I do, but leave it for the people to determine for themselves.

Now, sir, en passant, one little reflection to ultra, extreme abolitionism. I hope there men are created equal, and the Declaration of

a bead man nor a small man, neither high nor | civil law slavery does and may exist wherever | men are not created. But, sir, it is a fact? If | purchase that property." I go to his attorney Mr. Jefferson had said, in his Declaration of to get the papers made out; and will it do for Independence, that all men constituting portions of the body politic ought to be equal, ought to have Pettit's deed, with full covenants and ought to have equal political rights, there would warranty, in which he has stipulated never to might, perhaps, have passed over entirely in this argument, and that is, the question of the disturb you; and can it be possible now that have been something like propriety and wisdom in it. But however egotistical or absurd it he has come here demanding a repurchase of may appear in me to venture to contradict or this property?" Would he not reply at once, dispute the language of the Declaration of In. "No; he is not seeking to disturb me; he has dispute the language of the Declaration of Independence, I proceed to do it fearlessly. I cannot, in the first place, believe that Mr. Jefferson ever intended to give the meaning or force which is attempted now to be applied to this language when he said: "We hold these truths to be self-evident, that all men are cre ated equal."

> man, is my equal physically, mentally, or morally, and you tell me a lie. Tell me sir, that the slave in the south, who is born a slave, and race is his equal, and you tell me what is physically a falsehood. There is no truth in it at all. But much more. Come from the slave region, and go to the free north; go, if you will, to the States of Indiana, Ohio, New York, or any other free State, and show me that the negro race, or the negro man, is upon an equality with the white man, and you show me what does not exist. Sir, it is not true that even all persons of the same race are created equal. But Mr. Jefferson puts no limit upon He does not say they have equal political ights, or ought to have. If he had said that, there might have been truth in it; but when he says they are all created equal he says that for which he cannot find an honest endorser in the world. Sir, you tell me that the native African, upon his burning sands, and in his nathe senator from Kentucky, (Mr. Dixox,) to tive wilderness, is my equal, and I hesitate show that it reinstated slavery there. I have not to hoot at the idea. Tell me that the serf of the autocrat of Russia, kneeling at his feet, and willing to lick his spittle, is my equal, and ing. First, it repealed the eighth section of what is called the Missouri compromise; and There is no truth in the declaration. Men are not equal mentally, we all admit. simply, but that the laws should be the same the equals of the mighty fallen, who recently there as though that bill had never passed. of Webster and Clay? The clarion voice of the one, and the thunder tones of the other, at different times made the welkin ring, and turn- injustice. The senator from Massachusetts ed the whole blue arch of heaven into one great bell, which toned to liberty as though stricken by the hand of God. Are you the equals of those men? There is no color of truth in it. It is false, physically, mentally, a: d morally; false in word, and false in form. Neither do I believe that Jefferson intended that such construction should be given to the language. Equal in what? He does not say. Does he mean that all men are socially equal? Now, I will demonstrate to you that there is no such thing as social equality. Men may be made politically equal. It is possible that their politi cal rights may be placed upon a par, but social strengthen the Constitution nor weaken it. But | and mental equality the God of heaven alone controls. Men are not alike in their mental Are you the equal of the man who daily and

> > all, and nauseates all who come into his presence? Are you his equal? If you are, you are not mine. If he is your equal, you invite him to your table, and your parlor, and make They have not with me, if they have with you. which he has given to his words? litical equality; but per force of no human law who would readily say that I was not on an ent parts. equality with them. The learned divine, who prates all the time about catechisms and creeds. about which I know nothing, would say at abide by it, as a rule for their action, to do this, once that there was no social equality between us, and I should be as ready to admit it as he would. Again, there are other classes with which I am not willing to admit a social equality. This language of Mr. Jefferson goes to one they may go for the violation or non-performmental, moral, social, and political equality. between nations has been violated, the ultima All men are created equal!" I say that in no one instance is there any color of truth in the only court known to the laws of nations to it. There is neither mental, moral, physical, which natious can appeal to enforce the penalty social, or political equality, to be found among for non-compliance with compacts or contracts. us. It does not exist. Now some fellow will say that "Pettit is a bold man, he cannot be popular at home, he is certainly no democrat, der from the law-maker, commanding what is because he says we are not all equal." I will right, and forbidding that which is wrong. We popular at home, he is certainly no democrat. say to him, "go roll with the fellow in the gutter, sit here, and our predecessors have sat here, to if you are his equal." But I speak what is make laws, not compacts and agreements. We true. I speak what is the judgment of all men, if they dare say it, that neither morally, mentally, socially, physically, nor politically, does for a given period, and they cannot resume it equality exist in any country on the earth. It cannot exist in the nature of things. God him- color of similarity between this law and a comself has not created them equal. It is not. therefore, a truism, as Jefferson put it forth, but is false in form, and false in fact. Sir. I will not trouble nor detain you with the inequalities which the Almighty created especially under his own theocracy. The only government, except this-I always except this, for this is another government which he has taken inder his special care-but in olden times he made exceptions himself as to political rights. as well as moral; physical; and mental rights. He created a priesthood. He created kings, called, was an irrepealable compact. and set them up over the people, with different political rights and powers. I speak what is his recorded and plainly-written will, when I say there is no such thing as equality among

Now I proceed to notice another question which has been raised and touched upon by the Senator from Massachusetts, [Mr. EVERETT and by the Senator from Texas, Mr. HOUSTON particularly, and that is, the Indian question and the faith of treaties. Whenever I hear an appeal made to my justice, my candor, my honesty, and my integrity, either in a public of a private capacity, I inquire whether there is anything wrong, and whether I propose to do anything wrong. Now, in reference to the In-dians, the honorable Senator from Texas. [Mr. legislative authority shall define the manner of Houston] would make you believe that all the Indians upon the North American continent are to be annihilated by the organization of these territories. Let me say to the Senate-for are good for nothing, unless you have the I need not say to the senator-that almost al the Indians are south of this line, in the In dian country especially provided for them The line does not cover an acre nor a foot of your person, or otherwise tramples upon your the ground reserved to the tribes to which he rights of person or of property, where is your alludes. They are entirely without it; so that remedy? Where is your court? where your all his lamentations over the poor Indian, and You have none. You might as well the wrongs and depredations committed by the say that your rights did not exist; for there are whites upon them, will fall upon my ear un no property rights, unless you can enforce them | heeded, and with no force whatever. The faith through the courts. A new community is go- of treaties! What treaties, I ask you, are we ing there. Let them go there with the right that the majority shall determine what lawthey dow of truth in the allegations that we are dow of truth in the allegations that we are about to violate the plighted faith of the nation; senator, as first offered, had prevailed, it would have legislated slavery into this Territory. This With pled upon by wanton violence? nothing of it. This bill expressly guards and protects all the rights of the Indians. It is exressly stipulated, sir, that they shall not be disturbed, in form nor substance, in manner nor effect, till they consent freely to sell out their ands, and then the laws of the United States shall be extended over them. It is the merest canting and whining in the world. Suppose I far as my voice and vote may go. The quescanting and whining in the world. Suppose I har as my voice and vote may go. The question is, does that law suit me now? I will not from Rhode Island, [Mr. James,] who sits before me, a warranty deed for a plantation that I had, and had agreed to warrant and defend it. to him forever. In other words, suppose that it was proper, appropriate, and right. It is not I had treated with him, as we treat with the for me to say whether it will suit in all time to

the attorney to say to my friend: "Why, you have Pettit's deed, with full covenants and is not seeking to disturb me; he has brought no ejectment against me; he has not forced or threatened me with vengeance unless I surrender; but he comes to me with his

That is precisely what we are doing with these Indians; no more, nor no less. We tell them, upon the face of the bill, that their rights I hold it to be a self-evident lie. There is no such thing. Sir, tell me that the imbecile, the shall be protected, but that if they see fit to deformed, the weak, the blurred intellect in re-convey we will enter into a new agreement with them. Who, then, can say that this bill is a violation of plighted faith and of public honor, and that it sets treaties at defiance? with but little over one half the volume of One treaty holds between the contracting powers brain that attaches to the northern European until they see fit mutually to abrogate it, and no longer.

I come now to another point of the argument. I ask, is the Missouri compromise a compact? The senator from Massachusetts [Mr. Everert] says it is, and that Mr. Webster so considered it. He says that Mr. Web-ster, on the 7th of March, 1850, made the following declaration:

"And I now say, sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is over-

You see, Mr. Webster had an idea himself hat it might be overthrown; but, according to the construction which the senator from Massachusetts gives to it, there was no possibility of overthrowing it; and Mr. Webster is thus made to use language which is absurd, and inapplicable in this connexion. Mr. Webster says that his position is: "that there is not at this moment within the United States a single foot of land, the character of which, in regard to its being freesoil territory or slave territory, is not fixed by some law and some irrepealable Who are law, beyond the power of the action of the government." The senator from Massachusetts interprets the language of his illustrious friend in a manner that hampers and contracts his genius, and does him, as I think, infinite says: "he meant, of course, to give to the Missouri restriction the character of a compact, which the government, in good faith, could not repeal." I ask, could Mr. Webster, if he were living, or can his shade and his memory now, that he is dead, feel flattered by any such interpretations of his language? Sir, Mr. Webster filled my idea of a great man. He was a great lawyer, a great senator, a great Secretary of State, and in all the positions which he occu-pied while living, he was emphatically great. He had great thoughts, and large ideas; and as he spoke, you could almost see them struggling with each other to find escape from hi generating and prolific brain. They were heavy, ponderous, and solid; and wherever they fell, though on the hardest material, they seemed to make indentations; and as they nightly wallows in the gutter, and yomits upon found utterance from his lips, they were like "apples of gold," charming, delighting, and convincing all who heard them of their value. Such, sir, is my estimate of the great departed statesman. I know the senator from Massahim the associate and companion of your wife | chusetts would not do his memory injustice; and daughters. Have all men that equality? but does he not do it by the interpretation No, sir: I deny that any social equality can exist between persons of opposite social habits. You may, per force of human laws, make pogovernment? Never, never did Mr. Webster can you make social equality. Men most have utter such an absurdity, or harbor such a tendencies, aptitudes, tastes, education, and aftendencies, aptitudes, aptitudes, and aftendencies, aptitudes, and aftendencies, aptitudes, and aftendencies, aptitudes, and aftendencies, aptitudes, aptitudes, and aftendencies, aptitudes, and aftendencies, aptitudes, apt finities alike, before they can have this social too well what a compact was, and what a law equality. Why, sir, there is one class of men was, and what were their respective constitu-

A compact is an agreement between two or more persons, who can agree, and do agree, to and to do that, and to do the other; for the non-performance of which a suit may be brought or inforced. Between individuals, your domestic policy establishes a tribunal to which ratio is provided. There is an appeal to arms, What is a law, as contradistinguished from a compact? It is a command, an imperious orcommand that this shall be or shall not be so. The people have delegated this authority to us until that period is over. There is, then, no pact. If it be a compact, who were the contracting parties? Why, the north and the south, it is said. That is not so; for here, we of the north, and we of the south, form but one government, with one President, with one Senite, with one House of Representatives; and we represent, as such, but one constituent body, and not two or three, coming together to har monize, by compacts, our different rights. Mr Webster, then, never intended to utter such an idea as that the Missouri compromise, as it is

Then you may ask me, what did Mr. Webster mean? for it is not to be presumed that a man of his great intellect would have used such an expression as that which the senator from Massachusetts quotes without some meaning The interpretation which has been given to his words by the senator from Massachusetts I have shown to be utterly without foundation, and without reason. Then, what did Mr. Webster mean? He meant to say that that higher lawnot the law which the senator from New York Mr. SEWARD once spoke of, but that higher law which rules all our destinies and all man-'ageable things-had irrevocably stamped upon this country that it should be free; had irrevocably fixed the bounds to which slavery might go, and those to which it could not go. s what Mr. Webster meant to say; and that law to which he referred is certain and fixed. It is the law which the Almighty himself has laid down. It is, that the earth and its productions, or its power to produce particular productions, the climate, the latitude, the soil, the heat, and cold, shall determine the line of demarkation where slavery may or may not go. It is governed, and will be governed, by no ar bitrary law.

New England to-day would have had as many slaves as South Carolina or Alabama has, if cotton or rice grew there as readily and as profitably as at the south. Cupidity, and not philanthropy, has dictated the course which the north has pursued in reference to this matter. All your squeamishness, all your sickly sympathy for the blacks, which the few sentimer ists of the north have had, would have given way, and been submerged forever if slave la bor could have been profitably employed in the north.

Sir, the Missouri compromise was an original act of legislation, which, perhaps, befitted the time. My predecessors had the right to make their laws. I am now on the stage, and I shall exercise my judgment and my right, so country at that time it was not proper for the as a system prevails, slavery does not, and cannot prevail without a positive enactment removing the common law so far, and substitution of the principles of the civil law. By the

Mr. President, I come now to a question which, but for one thing personal to myself, I power of Congress over the Territories. I am glad that the venerable senator from Michigan (Mr. Cass) is in his seat, for I shall be compelled to turn and to review some remarks which were made by him in 1850. The question is, have Congress power to legislate upon money, and asks me, for so much money, to upon this and upon all other subjects in the cancel these covenants and re-convey to him?" Territories? My doctrine has uniformly been that we have the power, and, in my opinion, there can be no doubt at all about it. To say that we have not the power is to deny and falthat we have not the power is to deny and falthat we have not the power is to deny and falthat we have not the power of accomistion. Reasify the very first principle of acquisition. Reason tells us that he who acquires, either by force or by purchase, may, and of right must, govern his acquisition. The power exists beyond a doubt.

But the senator from Michigan did me the

great honor, while I was a private citizen in

private life, to refer to me in not very compli-

nentary terms in 1850. On the 21st and 22d days of January of that year, when I was entirely out of public life, with no public employment, with no engagements here, but when I was at a distance of a thousand miles from this place, that senator, in undertaking to maintain his position that there is no power in Congress to legislate over the Territories, constituted himself a catechist, and me a catechumen. By chance I found his speech. I came across it, and I read it. Prior to that time I had never an aspiration, and never an idea, that I should reach the political elevation by which the senator himself was honored with a seat on this floor; but when I found myself thus catechised. thus attacked, and, I may say, thus attempted to be ridiculed, I hailed it as my star of destiny. From that moment I never had a doubt that the senator and myself would live to meet face to face here, and that I should have the gratifying opportunity of answering the quesions which he put to me. Sir, I knew that destiny had provided that for me. I never doubted it. I never besitated in my path. knew that so soon as a vacancy should hap-pen from my State in the Senate of the United States I should be sent here, and that the senator could not die and depart this life until

Before I proceed to read from the senator speech, allow me to preface by stating that hi position is that there is no power in this government over the Territories, and, having once stated it, he must adhere to it. Doctor Sangrado-like, he has written a book, and though his prescriptions and his practice kill everybody, he still must adhere to them, because has written a book. I might, perhaps, compare the senator's course to that of a witness o whom a story is told. It is said that, by acciwhom a story is told. It is said that, by acci-lent, in describing a horse in court, a witness swore that he was sixteen feet high instead of sixteen hands high. Being reminded of his error, but being assured that he had sworn the horse was sixteen feet high, he said he was no changling, and what he had sworn to once he would swear to again. [Laughter.] So dent, in describing a horse in court, a witnes. swore that he was sixteen feet high instead sixteen hands high. Being reminded of his error, but being assured that he had sworn the no changling, and what he had sworn to once he would swear to again. [Laughter.] So I think the senator is on this question. Now then, to the extracts. The senator said :

"And a member of this body, high in characte a jurist and as a statesman, has characterise the difference between the power to institute governments in the Territories and the power of un limited congressional legislation over bundle of absurdities.'

I take great pleasure in saving that I cord ally indorse that sentiment. But here I beg senators to take a distinction between power and the exercise of power. You have the con queror's rights and powers over conquered ter ritory, but it may not always be the part of wisdom to exercise them. You have the powe to build this mighty temple, this Capitol of ours, and to line it with gold, if you will, but would it be the part of wisdom, or of prudence, or propriety, to do so? The senator proceeds

"While a representative from Indiana, in the neighboring hall, with a courage that almost re-deems him from the censure"—

from the infamy, he might as well have said-"which such a sentiment cannot but inspire in at American breast, says that this government coulas well as to the other. It includes physical, ance of a contract or compact. If a compact yound a doubt; this government could sell them into slavery, if it pleased.'

The senator quotes the language which used in answer to an inquiry from a manhardly know how to describe him-Mr. Vens ble, of North Carolina. The senator continues

But with commendable charity "-he is taking it off a little now-

"he provides a specific for the wound he inflicts by assuring us there is no danger. It would preposterous to suppose there was, for there is great difference between the possession and

He quotes what I said when a member the House, and continues:

"Where he learned this lesson, that there is danger of the abuse of power, I profess my ina-ability to tell. It is a doctrine better suited to the

Neva than to the Wabash. Sir, let me say to that senator, that the Wabash is a large, pellucid, and ruffled stream. In its neighborhood there are large prairies, extend ing further than the eye can reach. There are the large, gigantic mountain or hill oaks, which have for centuries bid defiance to the storms of heaven. There are large plantations, and all things are built upon a large scale. It would not be strange, then, thus surrounded, that the Wabash should have an inhabitant with large, enlightened, and improved ideas. Sir, the people in the valley of the Wabash gaze upon no ture in all its largest developments; and it would be strange if nature there did not pro-duce one son corresponding to her external de-velopments. Physically she has produced one [laughter] fully as large as the one produced in Michigan. [Renewed laughter.] But, sir,

"It is not necessary to make extracts from various speeches, to show how prevalent is this opinion of the omnipotent power of Congress over the Territories." pass to another part of the senator's speech.

No: for all men who had ever studied reasoned upon the subject, and had not, San grado-like, been committed to his doctrine and theory, would at once have yielded. There was a uniformity, the senator admits, in the opinion. He proceeds: "I have already referred to the declaration that

they may be sold into slavery;"

That is what I said, and I will establish before I am through, if I have not done it a ready.

" -and though this position is the legitimat consequence of the doctrine of unlimited jurisdiction, still there are few who would thus boldly Yes, sir, it is a "just conclusion," and I am

bold enough to speak the truth, and the con-victions of my judgment, anywhere and every-"There is, however, so little diversity of view upon the question itself, that nothing would be gained by reference to individual speakers, where

the general deductions are the same. Yes, sir, the general deductions of learning and prudence, and reason, in the absence Sangrados committed upon the subject, are the same, and there can be no diversity of opini

The senator also quotes from my speech sentence which he considers as very objectionable. It was this. I said:

"The government of the United States was trustee for the great purpose of maturing the growth of a State, and that the citizens of the United States were the cestui que trust."

Is it objectionable, in form or in substance to say that the government of the United State

the present generation, and judge for myself, trust fund, and handle it, until he had attained his majority? It is always subject to the con-trol of the trustee, particularly when there is a provision that he shall make all "needful rules and regulations" for its government. The cas-tui que trust has no power over the fund; the trustee alone controls it.

The senator further said in regard to me

"A member of the other House, whose zeal "A member of the other House, whose zeal certainly outstripped his discretion, when he said, in quoting his previous opinions, that 'he had egotism enough to believe his as good as any other authority,' and in doing so, 'that he but followed the example of the courts in which it was the regular and every day practice to cite their own decisions,' declared also, quite ex cathedra, that he should be able to show," &c.

(Concluded in our next.)

Moreign Intelligence.

Further Particulars.

Russia and Turkey.—We can find no confirmation of the report that negotiations have been resumed. On the contrary, a Paris letter writer

ways:

"You cannot be too much on your guard against
"You cannot be too much on your guard against
"You cannot be too much on your guard against the private telegraphic despatches from Vienna in the London journals. They are, for the most part, mere summaries of speculations in German papers, and are not one time in ten founded upon information that can be relied upon. The last despatch from Vienna, for instance, speaks of negotiations for peace as still going on, and of an autograph letter from the emperor of the French, in which he makes a last appeal to the good sense of the Emperor Nicholas. Now the fact is, that the conference is at an end and there are no negotiations for peace."

Nothing positive has transpired as to the objects of the mission of Count Orloff, and the opin-ion which we have advanced that he had some ulterior design other than what has transpired, is

borne out by the following from the Paris Presse:
"The object of Count Orloff's mission to Vienna
is, we apprehend, still unknown to the governments of England and France, but we have reason o believe that the object has been attained. advices from Constantinople of the 24th January intimate the possible contingency of some remarkable events. It is far from unlikely that direct negotiations may be opened between Russia and Purkey.

We find in the Paris correspondence of the

London Times the following report in relation to Prince Napoleon's mission to the King of Belgium The statement may be true though hardly pr

"At an interview between Prince Napoleon and the King of the Belgians, the former is said to have hinted that 'as hostilities were probable be-tween France and Russia, the Emperor Napoleon wished to be assured of the attitude which Belgium would assume in such an emergency; that his Belgian majesty had at his dispesal 100,000 troops, and in the event, improbable though it be, of Prussia taking part with Russia, 50,000 Belgians might be sent to the Prussian frontier; that the emperor did not wish any force to be sent to the French frontier, but that the force in question. Affairs to the arrangement. The minister was was sent for, and his approval was given to

PARIS, Monday. The discovery of a Greek conspiracy in the dominions of the sultan had induced the French government to address a note, couched n strong and energetic terms, to the governmen of King Otho.

Preparations for War .- These are goin forward in England and France with increased activity. We glean the fellowing from our files.

Both in military and naval departments extra-

ordinary activity prevails.

All the arrangements for the transport of troops to Malta are pushed with the utmost activity. The guards will embark first, then the regiments of the line in England and Scotland, and lastly those in Ireland.

In general terms it may be considered as cer-tain that the whole of the first division, except perhaps, the regiment from Ireland, will have set out by the first of March, and that the latter will have embarked before the 10th. The British contingent for the defence of Turkey will amount to 20,000 men, with 40 guns; 25t

picked men in each battalion are to be armed with Miniewifles, and brigade commands will be conerred on young colonels. The French government continues its preparations for the struggle with great activity and per-

severance. Orders have been despatched from Paris for the Brest fleet to put to sea at once, and it was understood that the admiral in command was under orders, from the minister of marine, to proceed to Toulon, Algiers, and Civita Vecchia, for the purpose of embarking the troops which are to form the French expeditionary corps to Turkey. The fleet has sailed, and is now on its way to the Mediterranean.

The auxiliary troops, instead of being sent to

Candia, as was at first intended, are to be sent to Enos, in Roumelia. Candia is found to be too distant. Enos, on the other hand, is exceedingly convenient.

venient.

It appears that the present plan is to form the auxiliary at Adrianople, which is the key of European Turkey. That important place is between Constantinople and the enemy; and as long as it remains in the hands of Turkey and her allies, the efforts of Russia to gain possession of Constantinople are hopeless. And it fortunately happens that it affords more facilities than almost any other part of Turkey in Europe for the maintenance of the communications with England and France.

It is known that the expeditionary army will consist of forty thousand French troops and ten thousand English.

From the Seat of War .- The news from the

seat of war is not important. No general action has taken place.

Three Russian regiments, one of which is the

Chasseur Regiment of Odessa, have been so cut up that they must be completely re-organized before they can again take the field. Up to the 27th the Russian corps had formed a semi-circle, the extent of which was about 35 English miles, around the Turkish position at Kalafat. Early in the morning of the 28th, there was a general advance on the part of the Russians, and in the evening of the same day the right wing had left Citate about 7 English miles in the rear. The centre met with considerable resistance, but when the infantry came up, the Turks retired to their entrencha ents; came up, the Turks retired to their entrements, the left wing has taken a position in the neighborhood of Boleschti. The general attack on Kalafat must now depend on the state of the weather alone, as all the troops which are to be employed the positions enterprise are on the spot. The in this perilous enterprise are on the spot. The Russians have now 41,000 foot, 12,000 horse, 3,000 sappers and miners, and 120 guns, in Little Wallachia. The reserve at Slatina, is to amount to 15,000 men. General Schilders is to have the whole and sole direction of the projected passage of the Danube, but there will be hardly any change

in the supreme command of the troops.

It is believed that a sanguinary in *sgement too a place at Gaurgevo on Sunday, th 5th instant, it which both sides suffered severe-losses. The Turks, it is said, crossed the Danute in number three thousand, drove in the outposts, a d at tampted to take the town. In the end they with drew across the Danube. A Turkish detachment having passed the Dau

ube in the night, destroyed the tete de pont of the Sereth, between Galatz and Ibrails, which was defended by two thousand R issians. The com-bat was fierce, and the Russians, who were infe-rior in numbers, were compelled to abandon the position. The Turks destroyed the enemy's large

new barracks.

Constantinople, Jan. 3'.—Two French and two English steamers, under Admiral Barbier de Tinan, had put to sea. Achmet Pasha is appointed commander on the Georgian frontier, The bad feeling caused by the return of the fleets is entirely dissipated.

feeling caused by the return of the fleets is entirely dissipated.

The Russo-Greek conspiracy, the discovery of which has already been mentioned, is a fact, without question. The following information on the subject is published by the Portafoglio Maleese.

A Greek priest, Father Athanase, is said to be the manager of the plot. Within six months he has been at Odessa and at Vienna, and has travelled over Moldo-Wallachia, Bulgaria, Montenegro, Bosnia, Mount Athos, Thessalia, and has been many times at Jerusalem and at Athens, as appears by his passports.

appears by his passports.

The arrest of this dangerous Muscovite emissary has involved Baron Oelsner, a Russian officer, Emanuel Bollanos, Chiriacos and Dimitrios Constandinos (father and son) and others, who